

REMARKS

Claims 1-17 are pending, and claims 15-17 are withdrawn from consideration.

In the aforesaid Office Action, the Examiner required a restriction to one of the following inventions under 35 USC § 121:

I. Claims 1-14, drawn to a balloon catheter

II. Claims 15-17, drawn to a method of making a balloon catheter.

Applicants hereby affirm election of group I., claims 1-14.

The Examiner objected to claim 7. Applicants have amended claim 7 in accordance with the Examiner's suggestion, to obviate the objection.

The Examiner rejected claims 1-7, 9 and 12 under 35 USC § 102(b) as being anticipated by Crocker et al. (5,470,313), and claims 10, 13 and 14 under 35 USC § 103(a) as being unpatentable over Crocker et al. '313 in view of Simhambhatla et al. (WO 01/45766), stating, in part, that Crocker et al. '313 discloses a balloon (18) having a first layer (38) and a second layer (36, 40 and 44), and the wall thickness of the second layer along the working length section that consists of (36, 40) and (36, 44) is greater than the wall thickness along the proximal and distal tapered sections of the second layer in the noninflated configuration.

However, Crocker et al. '313 does not disclose or suggest having the wall thickness of the second layer along the entire working length section from the proximal to the distal end of the working length section being greater than the wall thickness of the second layer along one or both tapered sections. Rather, Crocker et al. requires that the

expansion limiting bands 40, 44 extend along only part of the length of the working length of the balloon, in order to provide the balloon with a variable diameter.

The Examiner rejected claims 1-5 under 35 USC § 103(a) as being unpatentable over Dutta et al. (6,506,202) in view of Horn et al. (6,024,752), stating that Dutta et al. discloses a balloon catheter that includes most of the limitations of claims 1-5 but does not teach to make the working length section thicker than the skirt and tapered sections, and Horn et al. discloses a catheter balloon that has one layer with a thickened wall portion along the working length (see Figure 1a and respective portions of the specification).

However, Horn et al. does not disclose or suggest a balloon layer having a wall thickness along the working length section which is greater than the wall thickness of the second layer along at least one of the proximal tapered section and the distal tapered section of the balloon from the proximal to the distal end of the tapered section in the noninflated configuration. Rather, Horn discloses that, typically, the inventive balloons as shown in Fig. 1a comprise a first waist section 126a, a first cone section 128a, a body section 130a, a second cone section 132a, and a second waist section 134a, wherein the first balloon segment 108a comprises the first waist section 126a and *a portion* of the first cone section 128a, the second balloon segment 114a comprises *a portion* of the first cone section 128a, the body section 130a and a portion of the second cone section 132a, (emphasis added; see col. 3, lines 54-64). Therefore, as illustrated in Horn et al. Fig. 1a, a portion of the second segment 114a extends across the boundary between the working length and the tapered sections. As a result, the balloon proximal and distal tapered

sections (i.e., “the first cone section 128a” and “the second cone section 132a” of Horn et al.) each have portions adjacent to the working length (i.e., “body 130a”) which have a wall thickness equal to the wall thickness of the working length.

Moreover, amended claim 1 requires that the second polymer extends from the proximal to the distal skirt section of the balloon (i.e., the second polymer can be found extending along the different segments of the second layer). In contrast, Horn et al. requires that the balloon have at least two segments of different materials. The Examiner states that Horn et al. teaches to make the working length section thicker than the rest of the balloon, to make a high strength, less cumbersome balloon that can easily track and cross lesions, and therefore it would have been obvious to have made the balloon catheter as disclosed by Dutta et al. with a thickened working length section as disclosed by Horn et al. to make a strong, low profile balloon catheter that can more easily navigate through the body. However, the Examiner appears to be relying on the figures of Horn et al., in that Horn et al. provides no discussion of making the working length section thicker than the rest of the balloon. Rather, although the figures of Horn et al. do illustrate longitudinally joined segments of different thicknesses, Horn et al. explicitly requires that the segments of the balloon are made of different polymers. Therefore, modifying Dutta et al. in view of Horn et al. provides the balloon layer with at least two longitudinally joined segments formed of different materials. As a result, Dutta et al. in view of Horn et al. does not disclose or suggest a balloon having a layer which is formed of a second polymeric material, wherein the second polymeric material extends from the proximal to the distal skirt section of the balloon, and which has a wall thickness along the entire

working length section from the proximal to the distal end thereof being greater than the wall thickness of the second layer along the proximal and distal skirt sections in the noninflated configuration, as required by claim 1.

The Examiner rejected claims 1-4, 6-8 and 11 under 35 USC § 103(a) as being unpatentable over Dutta et al. in view of Crocker et al. (5,645,560), stating, in part, that Crocker et al. '560 discloses a balloon catheter that has a thickened wall along the working length (see Fig. 6 and respective portions of the specification), and the wall thickness along sections (52) and (68) of the working length is greater than that of the proximal and distal tapered sections and the proximal and distal skirt sections.

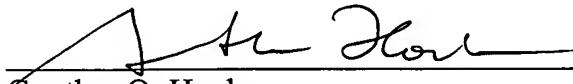
However, Crocker et al. '560 does not disclose or suggest having the wall thickness of the balloon layer along the entire working length section from the proximal to the distal end of the working length section being greater than the wall thickness of the second layer along one or both tapered sections. Rather, Crocker et al. requires that the thickened wall portions (sections 52 and 68) extend along only part of the length of the working length of the balloon, in order to provide the balloon with a variable diameter.

Applicants wish to bring to the attention of the Patent Office the reference listed on the attached PTO-1449, and request that it be considered by the Examiner. This Information Disclosure Statement is being submitted pursuant to 37 CFR 1.97(c)(2), and therefore the fee set forth in 1.17(p) is due.

Applicant respectfully requests reconsideration, and issuance of a timely Notice of Allowance.

Respectfully submitted,

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